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William F. Buckley Jr. Covert Bungling

Flash back a couple of years. George Kennan, the veteran diplomat and historian, is being interviewed about this and that, as happens to George Kennan every couple of weeks. The subject of covert action is raised and Kennan pronounces the Kennan Rule on the subject: if the United States cannot protect the secrecy of the covert act, that act should not be undertaken. Kennan means by this that certain acts undertaken in the counterintelligence and espionage worlds depend for their justification on their secrecy.

Let us reach for an extreme hypothetical example of this. Suppose that 10 years ago, the head of the CIA had reported (breathlessly, just to add color) to the president that Col. Idi Amin of Uganda had got himself a Hiroshima-sized bomb and was planning to dispatch it at midnight in a bomber with orders to drop it on Jerusalem. Suppose that the CIA reporter had further revealed that a friendly sharpshooter happened to be nicely situated to end Amin's life at 6 p.m.

The president reflects. The alternative is to warn Israel and mount in a few hours as intensive an air defense around Jerusalem as possible. But there would always be the possibility that the nuclear death-load would penetrate those defenses. Exit Jerusalem.

What would you do? Kennan's point is that a president's decision might be made precisely with reference to the guaranteed confidentiality of the alternative. If a hundred years down the line a historian discovered that the president of the United States had ordered the assassination of the president of Uganda, given the possible alternative of the death of Jerusalem, the moral and diplomatic pundits of the 21st century might be complacent about the whole thing. But the contemporary moralists would never sanction the abstract proposition that our commander in chief has the contingent right to execute other commanders in chief.

Thirteen Democratic opportunists in Congress have a wonderful idea of what we should do about it: impeach Reagan, Shultz, Casey and anyone else who is a convenient target of Democratic fire. Yes, they want a special prosecutor to go after Reagan for violating, in Nicaragua, the Neutrality Act of 1794, which makes it a federal crime to engage in any military action against a country with which the United States is at peace.

No doubt about it, the Reagan administration has bungled this one, and in part because of its violations of the Kennan Rule. The alternative seems not to occur to anyone, and one wonders why. That alternative surely is to conclude a joint defense treaty with El Salvador, and then ask Congress for a declaration of war against Nicaragua for so long as Nicaragua continues its war of aggression against El Salvador.

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